

Negotiation in the Operational Environment

A Monograph
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ABSTRACT

NEGOTIATION IN THE OPERATIOAL ENVIRONMENT, by Major Wade A. Germann, 45 pages.

Negotiation has become for many military leaders a daily task in their role of stabilizing, securing, transitioning, and reconstructing. Negotiation is a means of providing commanders with an alternative to solutions involving the use of force. Negotiation serves as a means by which parties can effectively coordinate their activities and develop mutually acceptable agreements on the basis of interests and positions. Whether used in the context of conflict or cooperation, negotiation is a powerful tool for operational commanders to use in promoting stability and in fostering fruitful, cooperative relations. Successful negotiation outcomes are most prevalent where both parties to the negotiation feel they have gained part of their desired outcome. This is known as a non-zero sum, or 'win-win' outcome. This is achieved through multiple interactions between actors using bargaining power, psychological approaches, and negotiating strategies. The most successful are those where the actor with the most bargaining power chooses not to dominate the negotiation, creating a non-confrontational relationship, leading to cooperative rather than competitive strategies.

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CHAPTER 1

INTRODUCTION

Negotiations range from simple small-scale bargaining between two parties all the way up to multinational, multilateral negotiations between nations. Negotiations take place around the world on a daily basis, in informal and formal settings, in inconsequential or life-threatening contexts, and with differing outcomes and expectations. Simply, negotiation is “the making of collective decisions through agreement.”¹ But negotiation is also something more. Negotiation is “the process by which people with conflicting interests determine how they are going to allocate resources or work together in the future to resolve disputes and reach decisions as individuals, or as multiparty teams in varying environments.”² The process of negotiating is based on the idea that there are appropriate stages, sequences, behaviors, and tactics that can be identified and used to improve the conduct of parties in negotiations and increase the chances for a successful outcome.³

Negotiation in the context of military operations, takes on new complexity, importance, and urgency. Negotiation has become for many military leaders, a daily task in their role of stabilizing, securing, transitioning, and reconstructing. Many operational commanders now spend a significant amount of time interacting with military partners, inter-agency partners, civilians from non-governmental organizations, and other government officials in the pursuit of military and national interests. Negotiation provides alternative solutions to problems facing commanders

¹ Arild Underdal, “The Outcomes of Negotiations,” *International Negotiation: Analysis, Approaches, Issues*; 2nd ed., ed. Victor A. Kremenyuk (San Francisco, CA: Jossey-Bass, 2002), 113.

² Jeanne M. Brett, *Negotiating Globally: How to Negotiate Deals, Resolve Disputes, and Make Decisions Across Cultural Boundaries*, 2nd ed. (San Francisco, CA: Jossey-Bass, 2007), 1.

³ I. William Zartman, and Maureen Berman, *The Practical Negotiator* (New Haven, CT: Yale University Press, 1982), 1.

involving the use of force in disputes within their operational environment. Negotiation serves as a means by which commanders can effectively coordinate their activities and develop mutually acceptable agreements on the basis of interests and positions between military partners, inter-agency partners, civilians from non-governmental organizations, and other international parties. The change in the last decade highlights a key reality; negotiations have come to play a more substantial role in the daily operations of military commanders. Yet, despite the prevalence of negotiation in the contemporary operating environment, there is still a large gap that helps explain how to get to a successful negotiated outcome in the environment the military operates.

In order to understand the dynamics that contribute to a successful outcome of a negotiation in a military environment, it is first important to define what a successful outcome is. The term *outcome* is sometimes ambiguous, because a distinction must be made between the “output” of a negotiation- the decision itself- and the consequences flowing from the implementation of that decision, or the “impact.”⁴ The impact can be determined only after the negotiation has been brought to a resolution, and predicting the consequences of a decision is very difficult, if not altogether impossible because of uncertainty, adapting to new circumstances, the sheer complexity of the cooperative arrangement, and the evaluation criteria themselves may change over time.⁵ For this reason, focusing on the output of a negotiation is more preferable than focusing on the impact.

To help in providing clarity in differentiating between the impacts and outputs of negotiation outcomes, experts break negotiation outcomes into five aspects; agreement, efficiency, stability, distribution, and distance from opening positions. The first three are aspects of the output itself, while the last two describe both the overall impact as well as the output. All

⁴ I. Sharkansky, “Environment, Policy, Output, and Impact: Problems of Theory and Method in the Analysis of Public Policy,” in *Policy Analysis in Political Science*, ed. I. Sharkansky (Chicago, IL: Markham, 1970).

⁵ D. Easton, *A Systems Analysis of Political Life* (New York, NY: Wiley, 1965).

five are related to some measure of success- either collective, in terms of establishing cooperation or producing joint gain, or individual success, in terms of achieving a solution favorable to one's own interests.⁶ A negotiation's outcome is usually whether the actors involved reached an agreement. In the literature on negotiation, the term *agreement* is used in two ways. It is used to refer to an "exchange of conditional promises," that is, a formal contract, and it can also refer to the "meeting of minds," that is parties agree to the extent that they reach the same conclusion regarding a particular problem.⁷ The simple distinction between agreement and non-agreement is a questionable indicator of the collective success of the negotiation because an agreement may be partial in at least three respects: it may be vague, it may cover only some of the agenda items, and only some of the parties involved may sign it.⁸ A negotiation's agreement success is therefore only a matter of degree. A negotiation process is said to be *efficient* when it minimizes a negotiator's overall cost. Whenever collective agreement decisions are made between or among parties involved in negotiation, the minimum potential, or Best Alternative to a Negotiated Agreement (BATNA) is required for a contract to emerge. The maximum that you can hope to accomplish through agreement is the outer efficiency limit. The idea becomes to maximize the sum of the benefits.⁹ In negotiation theory, an established solution is said to be *stable* if incentives for actors to defect are absent, or effectively curbed. Stability can be seen as a matter of degree, in at least two respects. First, the strength of incentives for actors to defect may vary from one agreement to another and from one party to another. Second, some cooperative arrangements may be able to absorb a larger amount of defection than others may. Moreover,

⁶ Arild Underal, "The Outcomes of Negotiations," 112.

⁷ Fred Charles Ikle, *How Nations Negotiate* (New York, NY: HarperCollins, 1964), 7.

⁸ Arild Underal, "The Outcomes of Negotiations," 112-113.

⁹ Jeanne M. Brett, *Negotiating Globally*; and, Arild Underal, "The Outcomes of Negotiations," 113-118.

some actors are more critical to accomplishing a cooperative undertaking than others. The two factors are linked to the extent that an actor's incentives to defect from a multilateral agreement may depend on the expected impact of his or her defection on the cooperation among the remaining partners.¹⁰ In a process of cooperative problem solving, the *distribution* of costs and benefits is derived from some standards of fairness or justice between the parties involved. From this perspective, success- individual as well as collective- becomes a matter of determining whether, or to what extent, each party has obtained what it "deserves" or is "entitled to."¹¹ Finally, outcomes are described in terms of the *distance* of the end positions from those taken at the opening of the negotiations. The distance between positions held at the end and those taken at the beginning are conceptualized to provide a rich and interesting picture regarding the kind and amount of change that occurred during the negotiation process.¹²

In non-zero sum, or positive-sum, negotiations the actors to the negotiation determine the success. Successful negotiation outcomes are most prevalent where both parties to the negotiation feel they have gained part of their desired outcome. This is known as a non-zero sum, or 'win-win' outcome. This is achieved through multiple interactions between actors using bargaining power, psychological approaches, and negotiating strategies. The level of bargaining power (perceived or actual) an actor comes into the negotiation with will affect the psychological aspects of the relationships between the actors, thereby, affecting the negotiating strategies each uses to accomplish their goals. While there are numerous ways the actors may choose to execute the negotiation based on these dynamics, the most successful are those where the actor with the most bargaining power chooses not to dominate the negotiation, thereby creating a non-confrontational relationship. This leads to cooperative, rather than competitive, strategies being

¹⁰ Arild Underdal, "The Outcomes of Negotiations," 118-120.

¹¹ Ibid., 120-124.

¹² Ibid., 124-125

used during the negotiation, leading to an outcome where both parties feel they have achieved some measure of success.

CHAPTER 2

LITERATURE REVIEW

The concept of what defines the negotiation process is inconsistent in the literature as most agree there is no simple- or even single- way to define it. Generally, negotiation is a sequence of stages, either organized in well-articulated patterns, or developing over time in a haphazard or even confusing way. Understanding what constitutes the negotiation process has been a major concern for theoreticians in the field of negotiation for some time. Seminal works on negotiation theory and practice, such as Ikle,¹³ Walton and Mckersie,¹⁴ Raiffa,¹⁵ Schelling,¹⁶ and Zartman¹⁷ opened the way to examining more specific approaches, and substantial research has been carried out in recent years toward new concepts and improved methodologies. However, many differences in approaches and opinions still exist. Theoreticians and practitioners are still trying to determine the “common elements in the analysis of the negotiation process.”¹⁸ Although no current theory pretends to have succeeded in decoding the process entirely, most contributions show a preference for the identification of a few key factors.¹⁹

¹³ Fred Charles Ikle, *How Nations Negotiate* (New York, NY: HarperCollins, 1964).

¹⁴ R. E. Walton, and R. B. McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System* (New York, NY: McGraw-Hill, 1965).

¹⁵ Howard Raiffa, *The Art and Science of Negotiation* (Cambridge, MA: Harvard University Press, 1982).

¹⁶ Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960).

¹⁷ I. William Zartman, (ed.), *The Negotiation Process: Theories and Applications* (Thousand Oaks, CA: Sage, 1978).

¹⁸ Ibid., 31-43.

¹⁹ Guy-Olivier Faure, ed., *How People Negotiate* (Laxenburg, Austria: International Institute of Applied Systems Analysis, 2001).

Some negotiations develop a distinctive pattern that can be broken down into a number of phases that have definite functions. The process may be fuzzy, the phases may be of differing duration, and they may overlap or backtrack, but nevertheless, looking at the sequence as a whole, the process is distinctive. The stages that are applicable to any type of negotiation are the structure, process, strategy, and outcomes.²⁰ Complex negotiations are generally multi-actor, multi-issue, multi-stage events. Even before the concerned parties make contact, they have explored the pros and cons or even the possibility of negotiating.²¹ A pre-negotiation phase “deals with the obstacles to negotiation as well as hurdles in negotiation.”²² Two more important stages in the negotiation process are; the existence of the “formula” phase, during which negotiators narrow their divergence of interpretations of problems to be negotiated, select negotiable issues, and define broad principles; and a “detail” phase, in which principles agreed upon are worked out.²³ Finally, rules and procedures are established for the practitioners.

What appears to be important and constant in all forms of negotiation contexts is the interplay between cooperation and competitiveness, and the extent to which this affects decisions during the negotiation. At the heart of all negotiation lies the debate as to whether negotiation is inherently a cooperative or competitive process. Most literature assumes that negotiation is either one or the other of these two forms, but never both. However, a small number of works are beginning to contend that negotiation can be both cooperative and competitive, and often both at

²⁰ Victor A. Kremenyuk, *International Negotiation: Analysis, Approaches, Issues*, 2nd ed. (San Francisco, CA: Jossey-Bass, 2002), xiii.

²¹ I. William Zartman, “Negotiation and Reality,” in *Center for the Study of Foreign Affairs: International Negotiation*. (Washington, D.C.: Foreign Service Institute, U.S. Department of State, 1984).

²² H. H. Saunders, “We need a Larger Theory of Negotiation: The importance of Pre-Negotiating Phases,” in *Negotiation Theory and Practice*, ed. W. Breslin and Jeffery Z. Rubin (Cambridge, MA: PON Books, 1991).

²³ I. William Zartman and Maureen Berman, *The Practical Negotiator* (New Haven, CT: Yale University Press, 1982).

once.²⁴ The perception of negotiation as just one type or the other bares little reality to real world negotiation situations, especially those within which the military operates.

Much of the literature concerning the nature of negotiation concerns whether it is perceived as a distributive (zero-sum) or integrative (positive-sum) process. If negotiators attempt to act cooperatively, this does not preclude the possibility that they might also act competitively at any stage of the same negotiation.²⁵ John von Neumann and Oskar Morgenstern, the founders of game theory, made a distinction between zero-sum games and non-zero-sum games. In zero-sum games, the fortunes of the players are inversely related. In non-zero-sum games, one player's gain need not be bad news for the other(s). In highly non-zero-sum games the players interests overlap entirely.²⁶ This is not to say that non-zero-sum games always have win-win outcomes and never have lose-lose outcomes. On balance, over the long run, non-zero-sum situations produce more positive sums than negative sums, and more mutual benefit than parasitism.²⁷ A non-zero-sum relationship is not a relationship in which cooperation is necessarily taking place. It is usually a relationship in which, if cooperation did take place, it would benefit both parties. Whether the cooperation does take place, whether the parties realize positive sums, is another matter.²⁸

²⁴ Deborah Goodwin, *The Military and Negotiation: The Role of the Soldier-Diplomat* (London, UK: Frank Cass, 2005), 28-29.

²⁵ This is the predominate analysis in many modern theories of negotiation, particularly those from the Harvard Business School. Also see Roger Fisher, "The Structure of Negotiation: An Alternative Model," *Negotiation Journal* 2 (1986), 233-235.

²⁶ Morton Davis, *Game Theory: A nontechnical Introduction* (Mineola, NY: Dover Publications, 1983) 38-39. Also see John Von Neumann and Oskar Morgenstern, *Theory of Games and Economic Behavior* (Princeton, NJ: Princeton University Press, 1944).

²⁷ Ibid., 75-100.

²⁸ Steven J. Brams, *Game Theory and Politics* (Mineola, NY: Dover Publications Inc., 1975); and, Morton D. Davis, *Game Theory: A Nontechnical Introduction* (Mineola, NY: Dover Publications, 1983).

The evolution of negotiation theory identifies four fundamental approaches that build on the dynamics of cooperation versus competitiveness; the foundations of game theory, psychological influences, power dynamics, and strategic moves. Each of these approaches has evolved, become more specified, and sprouted separate new branches over time as more and more contributors continue to add to the growing body of knowledge.²⁹ Although there is a basic consensus that John Von Neumann and Oskar Morgenstern's 1944 *Theory of Games and Economic Behavior* set the foundation for modern negotiation analysis, it is important to note that each of these four approaches has evolved concurrently with each other and not consecutively—one from another.³⁰

The 1944 publication *Theory of Games and Economic Behavior* by John Von Neumann and Morgenstern gave rise to an anticipation that game theory would provide a scientific structure for negotiation in a new and enlightening way.³¹ Game theory attempts to use improved standard models such as the Prisoner's Dilemma, or models centered on the concept of critical risk.³² Mathematical modeling of the movement exhibited within the process, and the factors that influence decisions, are viewed as the clearest way in which to depict the fundamental nature of negotiation. Such an approach relies on an analytical depiction of the decision made, rather than concentration on the personalities of the parties involved or the contextual factors that may be

²⁹ Victor A. Kremenyuk, "The Emerging System of International Negotiation," 29.

³⁰ John Von Neumann and Oskar Morgenstern, *Theory of Games and Economic Behavior*.

³¹ Deborah Goodwin, *The Military and Negotiation*, 38.

³² In the prisoner's dilemma, two partners in crime are being interrogated separately. The state lacks the evidence to convict them of the crime they committed but does have enough evidence to convict both on a lesser charge. The prosecutor wants conviction on the more serious charge, and pressures each man individually to confess and implicate the other. The prosecutor tells each separately that if you confess but your partner does not, you will go free and your testimony will be used to lock him up for many years. If you do not confess and your partner does, you go to prison for many years. If you confess and your partner does too, you both go to prison, but for only a minimum sentence. The question then becomes what to do? See Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984) and S. J. Brams, *Game Theory and Politics* (Old Tappan, NJ: Macmillan, 1975).

influencing the process.³³ The hope was that the more complex factors such as behavior and bargainer expectations, could fall within the scope of game theory, and thus provide a more complete analysis of the process. This was tested in the seminal exercise in computer-simulated evolution described in Robert Axelrod's classic book *The Evolution of Cooperation* involving the most famous of non-zero-sum games, the prisoner's dilemma. The prisoner's dilemma is the textbook non-zero-sum game of game theory.³⁴ Axelrod, after studying and applying the application of the Prisoner's Dilemma models to cases of conflict involving parties with mixed motives and when the interaction of the parties is not limited by one single situation, has found that the conduct of both parties appears in the long run to result in a more rational cooperative outcome.

Axelrod organized a tournament that amounted to a simulation where several dozen people submitted computer programs that embodied particular strategies for playing the prisoner's dilemma. The programs were then allowed to interact with each other- as if they constituted a society. Upon each interaction, the two programs involved would decide- on the basis of their algorithms- whether or not to "cheat" or "cooperate." Often, in making the decision, they would draw on their memory of how the other program had behaved in past encounters. Depending on what each had decided, both would receive a score representing the outcome of that encounter. Then each would move on to the next encounter, with another program. In each round, there would be enough encounters so that each program interacted with every other program 200 times.³⁵ The winning program was called "Tit for Tat," submitted by Anatol Rapaport. Tit for Tat's strategy was very simple. On its first encounter with any given program, it

³³ Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984); S. J. Brams, *Game Theory and Politics* (Old Tappan, NJ: Macmillan, 1975); G. H. Snyder and P. Diesing, *Conflict Among Nations* (Princeton, NJ: Princeton University Press, 1977).

³⁴ Robert Axelrod, *The Evolution of Cooperation in the Prisoner's Dilemma*, Discussion Paper No. 143, (Ann Arbor, MI: Institute of Public Policy Studies, University of Michigan, 1979).

³⁵ Robert Wright, *Nonzero: The Logic of Human Destiny* (New York, NY: Vintage Books, 2000), Appendix 1.

would cooperate. On subsequent encounters, it would do whatever that program had done on the previous occasion. In short, Tit for Tat would reward past cooperation with present cooperation and would punish past cheating with present cheating. As the game wore on, Tit for Tat came to dominate the game's population, invariably creating cooperative stable relationships.³⁶ One striking thing about this evolution of cooperation is that it transpired without the players being allowed to communicate with each other- even though communication is considered a prerequisite for a reliably positive outcome in a generic non-zero-sum situation. The reason is that players would encounter the same players again and again making for an iterated prisoner's dilemma. Thus, by observing what a given player had done on the last occasion, another player could, in effect, gather information about the player's likely future behavior. Therefore, players could punish each other for past cheating and reward each other for past cooperation.

An attempt to broaden such modeling of negotiation was made by Walton and McKersie in 1965 who visualized bargaining as four distinct processes. The first process concentrates on distributive bargaining; then there is integrative bargaining; followed by attitudinal structuring and finally intraparty disagreement.³⁷ Using the example of the Prisoner's Dilemma model, they demonstrated the possibility of other influences on decision-making within the negotiation. It was eventually identified that game theory had inherent constraints within it that made it difficult to apply results from the game theory models to real world negotiating scenarios, as the all important human element is overlooked, or left out intentionally. Decision making in negotiation relies on a multitude of factors which some believe game theory chooses to ignore. Because of this, some theorists moved away from mathematical approaches.

³⁶ Robert Wright, *Nonzero: The Logic of Human Destiny* (New York, NY: Vintage Books, 2000), Appendix 1.

³⁷ R. E. Walton and R. B. McKersie, *A Behavioral Theory of Labor Negotiations* (New York, NY: McGraw-Hill, 1965).

In 1961, G. C. Homans proposed a rule of “distributive justice” as a universal human rule in his sociological analysis of negotiating.³⁸ The Psychological approach moves away from the idea of mathematical models and concentrates more on the verbal and social interaction that takes place throughout the suggested stages of a negotiation. This approach is concerned with the negotiation processes in terms of “persuasive debate.” Basic tenants of this concept imply people are generally good and will act accordingly in proportion to an individual’s contribution to the negotiation. It suggests a condition where balance exists, and that is important if negotiation is considered in terms on a scale of agreement and disagreement where both parties wish to meet in the middle. Therefore, sociological models stress the importance of context. Their hypothesis is that negotiators are affected by the context within which they operate, and by their own personal values, and this will play a role in determining the outcome of the negotiation.³⁹ The importance lies in the exchange of information, signals, messages, and arguments designed to influence the other party’s behavior and decision-making.⁴⁰

There are numerous factors such as values, personalities, ethics, relationships, and culture, just to name a few, that sociological and psychological models stress as important to affecting a negotiations outcome. However, most can be summarized into two primary categories, context and interpersonal attributes: which will be addressed here.

The first factor is context. Although it may seem obvious, the importance of the general context within which the negotiation is occurring should not be underestimated. Context implies that the environmental, political, and social factors are likely to affect both the negotiation and the

³⁸ Homans talks about the idea of reciprocity or proportionality being favored in such approaches. George C. Homans, *Social Behavior* (New York, NY: Harcourt Brace Jovanovich, 1961).

³⁹ Otomar J. Bartos, *Process and Outcome of Negotiation* (New York, NY: Columbia University Press, 1974), 286.

⁴⁰ See Chester L. Karrass, *The Negotiating Game* (New York, NY: Crowell, 1970); G. Nierenberg, *Fundamentals of Negotiating* (New York, NY: Hawthorne, 1973).

negotiating parties. The importance of context can be traced through theoretical approaches to negotiation. Knowledge of the context within which the negotiation is occurring can influence the style and approach of the negotiation. External factors, such as political, security, social contexts, and the environment as a whole all play a part in influencing the outcome of a negotiation. Therefore, an awareness of the many influential external factors must be considered in every negotiation.⁴¹ Not all theorists agree on the importance of context because it is seen as too vague a concept because of its complex nature to try to define in a model. Arguably the largest and most important piece of context is culture.

Culture is the distinct character of a social group that emerges from the patterned ways that people in a group respond to the fundamental problems of social interaction.⁴² Encompassed in a negotiator's culture is their ideology, ethics, shared values, and socialized experience. Negotiation literature has addressed the ambiguity of the concept of culture, and attempts have been made to assess its influence on negotiating behavior.⁴³ Some scholars suggest that three features of culture are related to the variability of negotiation strategy among negotiators from different national cultures: individualism vs. collectivism; egalitarianism vs. hierarchy, and the low- vs. high-context norm in communication.⁴⁴ Another framework identifies five models for understanding the ways in which relations between military officers and others can be culturally

⁴¹ A divide has emerged in scholarly literature on negotiation between those who seek to model contextual influences and those who do not. Both appear to agree differences exist in degree and should be viewed as complementary aspects of a more general process. See I. W. Zartman, ed., *International Organization on Multilateral Negotiations* (1989); J. Z. Rubin and B. R. Brown, *The Social Psychology of Bargaining and Negotiation* (Orlando, FL: Academic Press, 1975); J. K. Sebenius, *International Negotiation Analysis* (Englewood Cliffs, NJ: Prentice-Hall, 1991).

⁴² Jeanne M. Brett, Z. I. Barsness, C. H. Tinsley, and M. Janssens, "A Paradigm for Confirmatory Cross-Cultural Research in Organizational Behavior," in *Research in Organizational Behavior*, ed. L. L. Cummings and B. M. Staw (Greenwich, CT: JAI Press, 1995) 167-214.

⁴³ Geert Hofstede, *Culture's Consequences* (Beverly Hills, CA: Sage, 1980) and E. H. Schein, *Organizational Culture and Leadership: A Dynamic View* (San Francisco, CA: Jossey-Bass, 1985).

⁴⁴ Jeanne M. Brett, *Negotiating Globally: How to Negotiate Deals, Resolve Disputes, and Make Decisions Across Cultural Boundaries* (San Francisco, CA: Jossey-Bass, 2001), 15.

influenced: narrative and verbal styles, context style, thinking and reasoning style, information processing style, and power style.⁴⁵ These culturally variable features shape the way people understand their experiences, but they do not determine them.⁴⁶ This suggests that cultural differences may not matter, depending on the conditions under which the negotiation takes place.⁴⁷

It is important to understand that practitioners and theorists of negotiation differ widely in their interpretations of the potential influence of culture. One view sees culture as a benefit to the negotiator and formalizes solutions for any cultural dilemmas and behaviors encountered within a negotiation.⁴⁸ Another view is based on the proposition that the norms and values of a culture are key to understanding it and by extension the negotiation.⁴⁹ It would be helpful if the relationships between context, culture, and negotiation were simple and straightforward, but they are not. The research to date clearly indicates that the link between these factors of negotiation are at best complex.⁵⁰

The second factor is the interpersonal attributes of the actors. It is argued by many that in order to understand the factors that contribute to effective negotiation; one must take into account

⁴⁵ Robert A. Rubinstein, "Cross-Cultural Considerations in Complex Peace Operations," *Negotiation Journal* (January 2003), 32-37.

⁴⁶ *Ibid.*, 38.

⁴⁷ In discussing conditions of the social context which may have an impact on activation of knowledge structures that, in turn, may vary across cultures. Michael W. Morris and Michele J. Gelfand, "Cultural Differences and Cognitive Dynamics: Expanding the Cognitive Perspective on Negotiation," Gelfand and Brett, eds., *The Handbook of Culture and Negotiation* (Stanford, CA: Stanford University Press, 2004) 60-65.

⁴⁸ See Richard D. Lewis, *When Cultures Collide* (London: Nicholas Brealey Publishing, 1998).

⁴⁹ R. Janosik, "Re-Thinking the Culture-Negotiation Link," *Negotiation Journal* 3, no. 1 (1987), 385-389.

⁵⁰ Jeanne M. Brett, *Negotiating Globally*, 51.

the interpersonal attributes of the actors involved.⁵¹ Because negotiation is about people, it is difficult to avoid the human element in any negotiation situation. Subjectivity, cognition, and culture are important personal characteristics that each actor will bring to the negotiation.⁵² Because of the significant role an actor may have on the negotiation process, much research has been done looking at the individual qualities that a good negotiator should possess. Ikle and Pruitt analyzed key traits such as flexibility, interpersonal sensitivity, inventiveness, patience, and tenacity to determine their importance.⁵³ Allison provides a different model that demonstrates the dynamics of decision-making based on the role and personality of the actor in the negotiation.⁵⁴ Likewise, relationships can exist between individual negotiators, between groups, or between nations. These working relationships have a big effect on tactical choice in negotiation. Initial demands tend to be less exaggerated, and harsher more contentious tactics are less likely to be used when parties have a stronger relationship. However, again there is no consensus among any of these theorists as to the importance of any one of these elements.

The extent to which actors, personality, and relationships may influence the outcome of a negotiation is debatable. Some theories, such as game theory, have chosen to minimize the human element within the process in preference to the neatness of mathematics. However, personality, and actor interaction is claimed by others to be a relevant factor in any attempt at real world modeling of negotiation.⁵⁵

⁵¹ Jeffrey Z. Rubin, “The Actors in Negotiation,” *International Negotiation: Analysis, Approaches, Issues*; 2nd ed., ed. Victor A. Kremenyuk (San Francisco, CA: Jossey-Bass, 2002), 97.

⁵² Deborah Goodwin, *The Military and Negotiation*, 14-16.

⁵³ Jeffrey Z. Rubin, “The Actors in Negotiation,” 104-105.

⁵⁴ G. T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York, NY: Little, Brown, 1979).

⁵⁵ Deborah Goodwin, *The Military and Negotiation*, 79-90.

In an attempt to quantify the interpersonal dynamics happening with cooperation and competition between actors within a negotiation, Burton constructed a model showing the movements in terms of power, or from win-lose to win-win.⁵⁶ A combination of conflict and cooperative relations was always at the heart of the negotiation, with the minimum cooperation at the very beginning and the maximum at the end, when the agreement was signed. The negotiation took place between those two points, and the purpose of the negotiation was to overcome the conflict. That made the negotiation seem essentially a conflict continued by diplomatic means. In this conflict, the main interest of any party involved was to maximize its gain by building up bargaining power. Often the negotiation simply could not produce a viable agreement.⁵⁷ This approach was formed as a result of the traditional view of negotiations as part of a much broader conflict that was a norm of relationships in the era of confrontation. Under conditions of total confrontation, negotiation may be regarded as a case of conflict with mixed motives where only a fraction of the general conflict can be solved in the negotiation strategy.⁵⁸ Because of this, the major result of this approach was the bargaining, exchange of concessions, and weighing demands and counter-demands consumed an enormous amount of time. The other result was the negotiation created unbalanced agreements, since the compromise was achieved under the pressure of factors that had a provisional nature, and were used specifically to squeeze concessions from the other side.⁵⁹ This approach views the negotiation process as a contest in terms of power, and the consequent battle to win the upper hand in any situation. This approach

⁵⁶ J. W. Burton and D. J. Sandole, “Generic Theory: The Basis of Conflict Resolution,” *Negotiation Journal*. 2 (1986), 333-45.

⁵⁷ Victor A. Kremenyuk, “The Emerging System of International Negotiation,” *International Negotiation: Analysis, Approaches, Issues*, 2nd ed., ed. Victor A. Kremenyuk, (San Francisco, CA: Jossey-Bass, 2002), 29.

⁵⁸ Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960).

⁵⁹ Victor A. Kremenyuk, “The Emerging System of International Negotiation,” 30.

writes that power is the central element of bargaining, and power is in all facets of the bargaining relationship and compares situations of the power balance with asymmetrical negotiations.⁶⁰ It argues that power is the main influence in the development of the stages within negotiation, and also in the decision-making elements.⁶¹

In 1968, Coddington developed the concept of “shifting evaluations” which represents the notion that agreement takes place through changing behavioral assessments, which in turn prompted changed expectations with a view towards compromise; these can then make a negotiator soften, or harden, their position respectively.⁶² This strategic approach defines negotiating activity in terms of a series of strategic moves between respective parties, in which negotiators propose joint strategies, presenting demands and offers, proposals and counterproposals, tending typically to converge as a result of an exchange of concessions.⁶³ Concession making tends to be the key factor in the movement towards agreement. Concessions tend to include further discussion on behavioral traits such as cooperation, competitiveness, or integrative behaviors displayed within the negotiation, and might also extend to a conceptualization of the value placed on certain behavioral decisions.⁶⁴ In 1977, Druckman proposed the theory of the “boundary role conflict” which proposed the existence of two related elements in negotiating: the monitoring of the other person for movement, and the monitoring of

⁶⁰ S. B. Bacharach, and E. J. Lawler, *Bargaining: Power, Tactics, and Outcomes* (San Francisco, CA: Jossey-Bass, 1981).

⁶¹ See S. B. Bacharach and E. J. Lawler, *Bargaining: Power, Tactics, and Outcomes* and I. W. Zartman and J. Z. Rubin, ed., *Power and Negotiation* (Ann Arbor: University of Michigan Press, 2000).

⁶² Allan J. Coddington, *Theories of the Bargaining Process* (Chicago, IL: Aldine, 1968).

⁶³ Otomar J. Bartos, *Process and Outcome of Negotiation* (New York, NY: Columbia University Press, 1974).

⁶⁴ The importance of the concepts of fairness and concessions have been raised by Dean G. Pruitt, *Negotiation Behavior* (New York, NY: Academic Press, 1981), Otomar J. Bartos, *Process and Outcome of Negotiation* (New York, NY: Columbia University Press, 1974), and J. G. Cross, “Negotiation as a Learning Process,” in I. William Zartman (ed.), *The Negotiation Process: Theories and Applications* (Beverly Hills, CA: Sage, 1978).

oneself for evidence of preferences.⁶⁵ These author's findings have contributed greatly to the evolution of the joint problem solving approach.⁶⁶ The joint problem-solving approach is not something new in negotiations. Basically, it is the conceptual model of the alliance relationship that was extensively developed during World War II, and afterward into the 1950s, when the East and West formed two opposite politico military worlds. Though this type of negotiation model appeared as a result of very specific conditions of the Cold War, it has contributed to some important changes in negotiation theory.⁶⁷

Negotiating through strategic moves is where the action of a negotiator is organized around an objective, and at the heart of the negotiation process, is choosing a negotiation strategy and convincing the other side to accept it.⁶⁸ In negotiation, two main categories can be distinguished: *accommodation strategies*, which favor the reaching of an agreement, and *confrontation strategies*, aimed at maximizing the negotiator's gains. Depending on what is at stake, or the existing level of antagonism, the bargainer will adopt a strategy belonging to one of these two categories.⁶⁹

Accommodation strategies are cooperative, coordinative, and integrative in nature and correspond to a positive-sum game outlook. Confrontation strategies are considered competitive, disruptive, and correspond to a zero-sum game outlook. However, highly complex negotiations

⁶⁵ D. Druckman, "Boundary Role Conflict: Negotiation as Dual-responsiveness," in *Contributions to Experimental Economics: Bargaining Behavior*, ed. H. Sauermann (Tubingen, Germany: J. C. B. Mohr, 1978), 344-374.

⁶⁶ Robert Axelrod, *The Evolution of Cooperation* (New York, NY: Basic Books, 1984), R. Axelrod, *The Evolution of Cooperation in the Prisoner's Dilemma*, Discussion Paper No. 143, (Ann Arbor, MI: Institute of Public Policy Studies, University of Michigan, 1979).

⁶⁷ I. William. Zartman, and Maureen Berman, *The Practical Negotiator* (New Haven, CT: Yale University Press, 1982), Chapter 1.

⁶⁸ Victor A. Kremenyuk, *International Negotiation: Analysis, Approaches, Issues*, 22.

⁶⁹ Christopher Dupont and Guy-Olivier Faure, "The Negotiation Process," *International Negotiation: Analysis, Approaches, Issues*; 2nd ed., ed. Victor A. Kremenyuk (San Francisco, CA: Jossey-Bass, 2002), 85-86.

often call for a *mixed strategy* approach. Mixed strategies tend to raise the basic overall difficulty of the negotiation and because so, they not only tend to lose their coherence, but the negotiator may suffer a weakening of his or her position.⁷⁰ Axelrod provided one possible response to this important problem with his theory of the Tit-for-Tat strategy discussed above, which is capable of inciting the cooperation of the other party, despite differing views.⁷¹ A growing opinion is that negotiation is a “mixed-motive” activity: negotiators act both cooperatively (trying to increase jointly the value that each party intends to derive from the agreement) and competitively (each party trying to obtain the best part of that value to meet individual objectives). There is an inherent tension between these two types of activity and a crucial issue has been identifying the relative importance of cooperation and competition in the various phases over the duration of time of the negotiation.⁷²

Additionally, negotiators continually face a choice among three strategies for moving toward agreement: contending, problem solving, and yielding.⁷³ In *contending*, negotiators pursue their goals by trying to persuade the other party to concede. Contending works in one’s own favor if an agreement is reached, but diminishes the likelihood of reaching an agreement at all.⁷⁴ This strategy is sometimes called competition,⁷⁵ distributive bargaining,⁷⁶ or claiming value.⁷⁷ In

⁷⁰ R. E. Walton, and R. B. McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System* (New York, NY: McGraw-Hill, 1965).

⁷¹ Robert Axelrod, *The Evolution of Cooperation* (New York, NY: Basic Books, 1984).

⁷² P. H. Gulliver, *Disputes and Negotiations: A cross-Cultural Perspective* (Orlando, FL: Academic Press, 1979). Christopher Dupont and Guy-Olivier Faure, “The Negotiation Process,” 85-86.

⁷³ Dean G. Pruitt and Jeffery Z. Rubin, *Social Conflict: Escalation, Stalemate, and Settlement* (New York, NY: Random House, 1986). Jeffery Z. Rubin, Dean G. Pruitt and S. H. Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 2nd ed. (New York, NY: McGraw-Hill, 1994).

⁷⁴ Christopher Dupont and Guy-Olivier Faure, “The Negotiation Process,” 85-90.

⁷⁵ Thomas, K. “Conflict and Conflict Management” in *Handbook of Industrial and Organizational Psychology*, ed. M. D. Dunnette (Skokie, IL.: Rand McNally, 1976).

problem solving, negotiators try to identify options that satisfy both parties' goals. The most effective problem-solving tactic involves a joint effort in which the parties work together, exchanging information about the needs and priorities of their underlying positions, sharpening and reframing the issues, brainstorming about options, and jointly assessing the validity of each idea. This strategy is sometimes called collaboration,⁷⁸ integrative bargaining,⁷⁹ or creating value.⁸⁰ The third strategy, *yielding*, involves diminishing one's own goals, or reducing one's aspirations. Yielding and problem solving improve the chances of reaching agreement, the former at one's own expense and the latter to the benefit of both parties.⁸¹ The strategic approach, or joint problem solving, appears to be evolving into a viable alternative to the Prisoner's Dilemma model and is highly important in determining the eventual outcome of a negotiation.⁸²

The usefulness in reviewing the evolutions in negotiation theory and practice is in identifying the key thread that appears to flow throughout. Successful negotiation outcomes appear to be most influenced through the iterative interactions between actors that choose to minimize relative power differences in order to create favorable interactions, thereby leading to accommodating strategies where both parties achieve some measure of their desired goal. The emphasis placed on bargaining power by an actor affects the psychological aspects of the

⁷⁶ R. E. Walton and R. B. McKersie, *A Behavioral Theory of Labor Negotiations: An Analysis of a Social Interaction System* (New York, NY: McGraw-Hill, 1965).

⁷⁷ David A. Lax and James K. Sebenious, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain* (New York, NY: Free Press, 1986).

⁷⁸ K. Thomas, "Conflict and Conflict Management."

⁷⁹ R. E. Walton and R. B. McKersie, *A Behavioral Theory of Labor Negotiations*.

⁸⁰ David A. Lax and James K. Sebenious, *The Manager as Negotiator*.

⁸¹ K. Thomas, "Conflict and Conflict Management."

⁸² Victor A. Kremenyuk, "The Emerging System of International Negotiation," 30.

relationships between the actors, thereby affecting the negotiating strategies each uses to accomplish their goals.

There are three principle ways the power dynamics, psychological factors, and negotiation strategies manifest in the real world to affect negotiation outcomes. The first is where there is an equal relative or perceived power distribution between the actors, which leads to an iterative “tit for tat” or give and take strategy between the actors. Ultimately, this tends to lead to a successful resolution to the negotiated outcome because both parties identify it is in their best interest to reach a positive-sum outcome where both parties gain. The second is where there is a power dynamic in which one party has a clear relative power advantage and decides to dominate the negotiation. This tends to lead to an unsuccessful resolution to the negotiated outcome because the power disparity creates a confrontational relationship leading to competitive zero-sum strategies in which neither party chooses to accommodate. The third is where there is a power dynamic in which one party has a clear relative power advantage, but chooses not to dominate the negotiation, thereby creating a non-confrontational relationship, leading to cooperative rather than competitive strategies being used during the negotiation, which results in an outcome where both parties feel they have achieved some measure of success. While there are three principle ways actors may choose to execute the negotiation based on these dynamics, the most successful are the two in which the actor with the most bargaining power chooses not to dominate the negotiation, thereby creating a non-confrontational relationship, which leads to cooperative, rather than competitive strategies being used during the negotiation leading to an outcome where both parties feel they have achieved some measure of success.

CHAPTER 3

CASE STUDIES

Three specific case studies have been selected to evaluate the hypothesis that successful negotiation outcomes are the result of iterative interactions between actors choosing to minimize relative power differences in order to create favorable interpersonal interactions thereby leading to accommodating strategies where both parties achieve some measure of their desired goal: The strategic arms control negotiations between the United States and the Soviet Union, 1979-1991; The United Nations Protection Force (UNPROFOR) mission, 1992-95; and Operation Iraqi Freedom (OIF), 2004-2005. The U.S. and Soviet Union strategic arms control negotiation case study was chosen because it represents an example of equal relative or perceived power distribution between actors in a negotiation. The United Nations Protection Force (UNPROFOR) in Bosnia was chosen because it depicts when there is a power dynamic in which one party has a clear relative power advantage and decides to dominate the negotiation. Finally, Operation Iraqi Freedom was chosen for its ability in demonstrating when there is a power dynamic in which one party has a clear relative power advantage, but chooses not to dominate the negotiation.

Strategic Arms Control/Reduction: United States and Soviet Union, 1979-1991

The strategic arms control and reduction negotiations between the United States and the Soviet Union, which initially began in the 1970s with the unratified Strategic Arms Limitation Treaty II (SALT II), spanned a period of three decades. Under growing congressional and international pressure, in 1980, President Ronald Regan resumed negotiations with Soviet Premier Mikhail Gorbachev with the intent to eliminate all U.S. and Soviet intermediate-range nuclear weapons. The START I Treaty signed by President George H. W. Bush and Soviet Premier Mikhail Gorbachev on July 1991, concluded a decade long stalemate in East-West negotiations on arms control and disarmament. This agreement resulted from over eight years of

continual negotiations, beginning in December 1979.⁸³ The decade of negotiation between the two super powers witnessed a difficult negotiation process, characterized by numerous false starts and frequent stalemates. Many of these negotiations undoubtedly reflected the substantive differences of the two parties, but the eventual successes of the negotiations, were ultimately a consequence of the process of iterative negotiations between two relatively equal world powers.

The initial 1981 strategic nuclear arms reduction talks (START) between the U.S. and Soviet Union began in Geneva centered on the U.S. “zero-option,” or complete elimination of all long-range missiles. Ultimately, neither side could come to an agreement on cuts to nuclear arsenals, land-based missiles, and basing constraints and negotiations eventually ended with the Soviets leaving the bargaining table after two years of unsuccessful negotiations.⁸⁴

Throughout 1985 and 1986, negotiations sporadically resumed between the United States and the Soviet Union. Negotiations revolved around strategic, intermediate and defensive weapons, nuclear testing, and disarmament. Work on a draft strategic arms agreement continued again throughout 1988 and 1989. Despite earlier success on intermediate-range nuclear forces, the two sides failed again to resolve differences over the Anti-Ballistic Missile (ABM) Treaty. Both sides continued to offer presumably non-negotiable solutions to the nuclear dilemma, which the other side would reject, but the two sides continued negotiations on nuclear arms reductions.⁸⁵

Finally, in July 1991, after years of negotiations between the United States and Russia, President George H. W. Bush and Soviet Premier Mikhail Gorbachev negotiated a successful

⁸³ Lawrence D. Freeman, “Strategic Arms Reduction Talks (START),” published on *Encyclopedia Britannica*, Encyclopedia Britannica Online, <http://www.britannica.com> (accessed 12 July 2012).

⁸⁴ Daryl G. Kimball, “Looking Back: The Nuclear Arms Control Legacy of Ronald Regan,” published on Arms Control Association, <http://www.armscontrol.org>, (accessed 7 July 2012).

⁸⁵ George P. Shultz, *Turmoil and Triumph: My Years as Secretary of State* (New York, NY: Charles Scribner’s Sons, 1993) and Daryl G. Kimball, “Looking Back: The Nuclear Arms Control Legacy of Ronald Regan,” published on Arms Control Association, <http://www.armscontrol.org>, (accessed 7 July 2012).

resolution and signed the START I Treaty.⁸⁶ Together, the two leaders set their nations on the long path towards nuclear arms control and reduction.

The vast majority of literatures on prospects and obstacles for agreements in arms control have emphasized the impact of substantive factors in negotiations such as culture, relationships between the actors, or strategies used within the negotiation process itself.⁸⁷ The belief is that negotiations on arms control and disarmament are somewhat different from other types of negotiation for several distinct reasons. First, they tend to involve “high politics,” because the most vital national interests, including survival itself, are at stake. Second, they are complex, because of the large number of technical issues involved in weaponry, military doctrine, verification, and other such issues. Third, they usually carry major consequences for many states, including nonparticipants. Finally, they usually entail issues that are internally divisive and subject to a great deal of bureaucratic and political conflict.⁸⁸ Both nations continually changed strategies and deliberately cycled between a focus on power and a focus on interests in order to avoid negative conflict, unintended consequences, and counterproductive negotiated outcomes.⁸⁹ There is little debate over the changing relationships of both the leaders and nations within the context of the Cold War. All of these perspectives help in explaining the impacts that these factors had in contributing to the eventual successful outcome of the arms reduction negotiations.

⁸⁶ Lawrence D. Freeman, “Strategic Arms Reduction Talks (START),” published on *Encyclopedia Britannica*, Encyclopedia Britannica Online, www.britannica.com, (accessed 12 July 2012), George P. Shultz, *Turmoil and Triumph: My Years as Secretary of State* (New York, NY: Charles Scribner’s Sons, 1993) and Daryl G. Kimball, “Looking Back: The Nuclear Arms Control Legacy of Ronald Regan,” published on *Arms Control Association*, <http://www.armscontrol.org> (accessed 7 July 2012).

⁸⁷ P. Terrence Hopmann and Daniel Druckman, “Arms Control and Arms Reduction” in Victor A. Kremenyuk (ed.), *International Negotiation: Analysis, Approaches, Issues*, 2nd ed (San Francisco, CA: Jossey-Bass, 2002) 333.

⁸⁸ Ibid., 317.

⁸⁹ Anne L. Lytle, Jeanne M. Brett, and Debra L. Shaperio, “The Strategic Use of Interests, Rights, and Power to Resolve Disputes,” *Negotiation Journal* (1999), 44.

The interplay between the power dynamics, psychological factors, and negotiation strategies account for the eventual successful outcome reached through the negotiation process. Due to the equal relative power distribution between the United States and the Soviet Union, each party had to choose an approach that was based on cooperation. Although both sides continued to utilize give and take strategies in attempting to gain an advantage, the relationship was one of mutual understanding, which led to strategies of accommodation and ultimately a positive-sum outcome for both. Both the United States and Soviet Union identified that because they would continue to have a lasting relationship on the international stage, it was in their best interest to continue to negotiate and eventually reach a positive-sum outcome where both parties gain.

United Nations Protection Force in Bosnia, 1992-1993

The United Nations Protection Force (UNPROFOR), was the first United Nations peacekeeping force in Bosnia and Herzegovina during the Yugoslav wars in 1992. UNPROFOR was created by UN Security Council Resolution 776 and consisted of troops from forty-one nations.⁹⁰ The force was deployed in a very short time following the adoption of Security Council Resolution 776 on 14 September 1992. UNPROFOR had a limited humanitarian mandate in Bosnia-Herzegovina, but initially lacked the resources to embark on a large-scale peacekeeping mission. This often made the position of UNPROFOR troops on the ground very difficult.

It was understood that UNPROFOR was deploying into an area in which a three-sided civil war was in progress and that it had a clear mandate to support UNHCR. Over time, UNPROFOR slowly took on far wider responsibilities than those originally envisioned by the UN Resolution including peacemaking on the ground, negotiating and monitoring ceasefires, delivering aid in areas too dangerous for UNHCR to enter, assisting refugees and displaced

⁹⁰ United Nations Security Council *Resolution 766 S-RES-766* (1992), <http://www.undemocracy.com> (accessed 21 July 2012).

persons, arranging exchanges of prisoners and bodies, and escorting utility repair missions.⁹¹

UNPROFOR commanders quickly found themselves having to negotiate with both political leaders and military commanders, often without direct political advice, with all three parties.⁹² Negotiating the solutions to political problems and finding a way of implementing those solutions became a principle function.

Of more immediate importance was the growing recognition that the more soldiers knew about the overall situation, and how the mandate was to be applied, the easier it was for them to react properly to situations and to conduct affective negotiations. In a military sense, this requires integration of the tactical and operational command levels to support the strategic aim of de-escalating violence and reconciling communities. Peacekeepers use arbitration, mediation, and negotiation to achieve these ends.

Operational commanders had to negotiate the terms on which they would support political and/or humanitarian agreements in the operational environment. Military units deployed to facilitate humanitarian aid had to negotiate on a case-by-case basis for freedom of movement to escort the convoys, and this often led to negotiations on other humanitarian issues and political problems that would be used as bargaining devices by, and with, local warlords.⁹³

One patrols journey went without incident until they stopped at an HVO [Croatian Defense Council] checkpoint where even with a newly acquired document guaranteeing their status and cargo as UNPROFOR aid, they were denied access through the checkpoint. Returning to talk to the commander resulted in hours of confrontation negotiation to gain access through the

⁹¹ Milos Stankovic, *Trusted Mole: A Soldier's Journey into Bosnia's Heart of Darkness* (London, UK: HarperColiins, 2000), 65.

⁹² Ibid., 66.

⁹³ Deborah Goodwin, *The Military and Negotiation: The Role of the Soldier-Diplomat* (London, UK: Frank Cass, 2005), 191.

checkpoint.⁹⁴ It was felt that issues such as freedom of movement, neutrality and security were negotiated at the highest level of government and in diplomatic circles, but were only effective if resolutely demanded and executed at the lowest level. “The craft of negotiation and mediation... was essential, knowing how far to go before you escalate, back down or look for a new approach.”⁹⁵ Working commanders emphasized the role continuing negotiations played: “the Force should try to achieve a return to peace through re-establishing dialogue between the parties. The members of the Force, each of them according to their various levels of function and position, should actively attempt to convince the parties to negotiate. Force members must position themselves to listen and understand, so as to be able to suggest mediation and compromise. Continuous dialogue with parties in conflict is essential to the success of a peace-keeping mission.”⁹⁶ There remained an insistence that UNPROFOR troops should seek to negotiate in tactical situations, rather than using armed force. Serving soldiers rapidly assumed such a response whenever and wherever possible, but a lack of stability on the ground meant that negotiation contexts were diverse and dangerous. UNPROFOR troops were often in physical danger, but were still expected to resolve the dilemma through cooperation rather than aggression.⁹⁷

UNPROFOR, with all its inherent difficulties, was a useful learning experience for military personnel in the sense that the multiplicity of roles and tasks placed on the modern peacekeeper were highlighted. Many accounts, from a number of countries, stressed the continual

⁹⁴ S. B. Husim, *At War without Weapons* (London, UK: Airlife Publishing Ltd, 1998), 73-77; and Deborah Goodwin, *The Military and Negotiation: The Role of the Soldier-Diplomat*, 185-186.

⁹⁵ Non-attributable comment, Op Grapple soldier in Deborah Goodwin, *The Military and Negotiation*, 174.

⁹⁶ J. M. Faure, *Commanding United Nations Peace-Keeping Operations: Methods and Techniques for Peacekeeping on the Ground*, United Nations Institute for Training and Research, Program of Correspondence Instruction in Peacekeeping Operations (New York: UNITAR-POCI, 1996). 71

⁹⁷ Deborah Goodwin, *The Military and Negotiation*, 171.

negotiation encounters in the field, with its complexities, successes, and failures. It was deemed important because through compromise and the exchange of ideas within theatre, relationships could be formed to permit a tenable agreement to maintain the peace, or the truce. For the UN, negotiation on Peace Support Operations had the ultimate aim of reaching agreements to which all parties had consented freely, and which would help to contain or de-escalate the conflict.⁹⁸

The interplay of the power dynamics, psychological factors, and negotiation strategies between the UNPROFOR and various national and ethnic actors accounts for the struggles and failures in negotiated outcomes on the ground in Bosnia. Although the UNPROFOR should have held a power advantage over other actors, due to the limits of the UN Resolutions, on the ground they could not enforce it. This led to a dynamic where the other parties continually held a clear relative power advantage over UNPROFOR and used it to dictate the outcome of most negotiations. This led to continual unsuccessful resolutions to negotiated outcomes because the power disparity created a confrontational relationship leading to competitive, zero-sum strategies that were win-win or lose-lose. Both the UNPROFOR and local ethnic groups identified that their relationship was ultimately short term and therefore, it was not in either party's best interest to push for a negotiated positive-sum outcome.

Operation Iraqi Freedom, 2004-2005

Operation Iraqi Freedom (OIF), the U.S. led coalition military operation in Iraq, was launched on March 20, 2003, with the immediate stated goal of removing Saddam Hussein's regime and destroying its ability to use weapons of mass destruction or to make them available to

⁹⁸ Reference to Lt.Col. P. Wilkinson and Lt.Col. R. Rinaldo, *Principles for the Conduct of Peace Support Operations*, a course produced by the United Nations Institute for Training and Research, Program of Correspondence Instruction in Peace-Keeping Operations (New York, NY: UNITAR-POCI, 1996) in Deborah Goodwin, *The Military and Negotiation: The Role of the Soldier-Diplomat* (London, UK: Frank Cass, 2005).

terrorists.⁹⁹ With the onset of widespread looting and the breakdown of public services (electricity, water) in the cities, coalition forces were confronted with the challenges of restoring public order and infrastructure even before combat operations ceased. Over time, the focus of OIF shifted from regime removal to the more open-ended mission of helping the Government of Iraq (GoI) improve security, establish a system of governance, and foster economic development.¹⁰⁰

Since that time, U.S. soldiers in Iraq have conducted thousands of negotiations with Iraqi leaders while pursuing tactical and operational objectives that affect the strategic importance of the U.S. mission. While troops continue to operate in conditions where they are trying to conduct counterinsurgency, stability, security, transition, and reconstruction missions, negotiation will be a common activity and a necessary part of achieving mission objectives. Because of the redefined nature of the mission in Iraq, the proportion of time that U.S. military units spent in non-kinetic activity became substantial, and for some units in some locations in Iraq, a significant majority of their time.¹⁰¹ Negotiations contributed to accomplishing stated U.S. objectives in Iraq: supporting Iraqis in creating, establishing, legitimizing, and running their own government and security, as well as reducing the risks to American soldiers.¹⁰²

On the ground negotiations thus became the best chance to prevent some situations from turning lethal and to solve problems in a way that poses less risk. In many cases, negotiation was the primary tool the military officers used to achieve their mission objectives. One Marine officer who served as the commander of an Iraqi army base near Tall Afar, Iraq, had to negotiate with a

⁹⁹ *National Security Strategy for Victory in Iraq*, (Washington, DC: National Security Council of the United States, 2005).

¹⁰⁰ Steve Bowman, *Iraq: U.S. Military Operations* (Washington, DC: Congressional Research Services, 2007).

¹⁰¹ “Operation Iraqi Freedom Stability Operations-Support Operations, Information Operations, Civil Military Operations, Engineer, Combat Service Support,” *Initial Impressions Report No. 04-13* (Ft. Leavenworth, KS: U.S. Army Center for Army Lessons Learned, May 2004), ii-iii.

¹⁰² Catherine Dale, *Operation Iraqi Freedom: Strategies, Approaches, Results, and Issues for Congress* (Washington, DC: Congressional Research Services, 2009).

local sheik of a town nearby his base because he needed heavy equipment from the town to improve the base's security perimeter.¹⁰³ He believed his initial success in receiving assistance for the necessary equipment was because he did not properly understand the situation he was in.¹⁰⁴ However, the more often he negotiated with the sheik the better it improved his chances for a successful outcome. Even though he had an initial poor understanding of the environment, through a series of negotiations, the Marine officer eventually received the equipment he needed. Another Army infantry officer who arrived in Iraq with the initial invasion force was tasked to negotiate for the use of a building needed by the U.S. Army. As he was negotiating the rent, "he realized he did not know what an Iraqi dinar was worth."¹⁰⁵ He was initially completely unprepared, but came back and kept negotiating to reach a deal. Several negotiations documented in interviews concerned the operational commander's need for information regarding insurgents from local sheiks. The Iraqi sheiks desired fewer raids and searches of homes. Commanders participated in negotiations with neighborhood advisory councils in Baghdad addressing the sheik's concerns but miss characterized their interests claiming they had the right to search houses whenever they wanted. The negotiations shifted once the commanders shifted their approach from a power-based position to one of shared interests where the sheiks would provide better information on insurgent or weapon locations in exchange for fewer raids. The negotiation cycled back to interests as the negotiators found a solution based on the two parties' interests.¹⁰⁶

¹⁰³ Interview with Captain "H," U.S. Marine Corps, Ret., November 21, 2006, pp. 13-15, in David M. Tressler, *Negotiation in the New Strategic Environment: Lessons from Iraq* (Fort Leavenworth, KS: Strategic Studies Institute, 2007), 58.

¹⁰⁴ Ibid., 19.

¹⁰⁵ Interview with Captain "M," U.S. Army, March 1, 2006, pp. 25, in David M. Tressler, *Negotiation in the New Strategic Environment: Lessons from Iraq* (Fort Leavenworth, KS: Strategic Studies Institute, 2007), 22.

¹⁰⁶ Interview with Captain "E," U.S. Army, February 28, 2006, pp. 7-8, in David M. Tressler, *Negotiation in the New Strategic Environment: Lessons from Iraq* (Fort Leavenworth, KS: Strategic Studies Institute, 2007), 50.

Negotiators should think about their counterpart's interests and priorities, constraints, strengths, weaknesses, and the relative difference in information between the parties. The officers emphasize that eventually understanding the relevant interests helped them negotiate. Their experiences also uniformly shows that context's influence on the conduct of any given negotiation is dependent on many other factors and does not necessarily lead to positive or negative outcomes.¹⁰⁷

The interplay between the power dynamics, psychological factors, and negotiation strategies account for the eventual successful outcomes reached through the negotiation process throughout Iraq. There was a distinct relative power advantage between U.S. Forces and local national actors, but U.S. Soldiers chose not to dominate the negotiation, thereby creating a non-confrontational relationship, leading to cooperative rather than competitive strategies being used during negotiations. Although both sides continued to utilize give and take strategies in attempting to gain an advantage, the relationship was one of mutual understanding, which led to strategies of accommodation and ultimately a positive-sum outcome for both. This resulted in outcomes where both parties felt they have achieved some measure of success. Both the U.S. Soldiers and Iraqi nationals identified that because they would continue to have a lasting relationship, it was in their best interest to continue to negotiate and eventually reach a positive-sum outcome where both parties gain.

¹⁰⁷ Robert A. Rubinstein, "Cross-Cultural Considerations in Complex Peace Operations," *Negotiation Journal* (January 2003), 38.

CHAPTER 4

CONCLUSIONS

In the last several years, and in light of multiple wars, even more is expected of operational commanders as they face continuously growing challenges in their operational environment. Negotiation is a means of providing commanders with an alternative to solutions involving the use of force. Negotiation serves as a means by which parties can effectively coordinate their activities and develop mutually acceptable agreements on the basis of interests and positions. Whether used in the context of conflict or cooperation, negotiation is a potentially powerful tool for operational commanders to use in promoting stability and in fostering fruitful, cooperative relations when necessary.

The three specific case studies; the strategic arms control negotiations between the United States and the Soviet Union; the United Nations Protection Force (UNPROFOR) mission in Bosnia; and Operation Iraqi Freedom (OIF), have many variables, including but not limited to different individuals, organizations, and structural relationships; different locations, politics, and history; different issues, priorities, and interests; as well as cultural differences, power dynamics, and relationships. A successful negotiator will not allow these factors to become a barrier to a negotiated agreement. Nor should these differences be an excuse for a negotiation's failure. The details of these stories and comments reveal a complex reality- the way in which power is exercised by the negotiators seems to dictate to a high degree the eventual successful outcome in a negotiation.

Successful negotiation outcomes are most prevalent where both parties to the negotiation feel they have gained part of their desired outcome. This is known as a non-zero sum, or 'win-win' outcome. This is achieved through multiple interactions between actors using bargaining power, psychological approaches, and negotiating strategies. The level of bargaining power an

actor comes into the negotiation with will affect the psychological aspects of the relationships between the actors, thereby, affecting the negotiating strategies each uses to accomplish their goals. While there are numerous ways the actors may choose to execute the negotiation based on these dynamics, the most successful are those where the actor with the most bargaining power chooses not to dominate the negotiation, thereby creating a non-confrontational relationship, which leads to cooperative, rather than competitive, strategies being used during the negotiation leading to an outcome where both parties feel they have achieved some measure of success.

Suggestions for Further Study

Negotiation is extremely important, and military practitioners are searching for useful knowledge and examples to guide them since their decisions and actions often result in consequences affecting the potential outcome of warfare. The review of theoretical negotiation literature suggests that while there are many theories, only a small number are of explicit value, and empirically testable, in a conflict environment.

Concerning military negotiation specifically, further attention could be paid to the delineation of the process that first-hand military practitioners use in the operational environment. There needs to be further development of training in military negotiation skills and an assessment of the applicability of developmental training with specific regards to practice in real world environments. Programs such as the West Point Negotiation Project and Consensus Building Institute aim to contribute to the development of improved negotiation models for military leaders and produce high quality training focused on effective, principled negotiation skills for military

forces, but there is still much more research that needs to be done to make negotiation more efficient and effective for the military.¹⁰⁸

¹⁰⁸ The West Point Negotiation Project recognizes the importance of the human dimension on today's battlefield and the increased need for the war fighter to be equipped with the very best tools to complete the mission. Consensus Building Institute (cbi) designs a customized three-part training in mutual gains negotiation for military units, and tailors the curriculum to negotiation challenges often encountered in the battlefield, including working with development officials and engaging civilians.

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